

Notice of Allowability

Application No.

09/786,982

Examiner

Stephen Gucker

Applicant(s)

SCHEEPENS ET AL.

Art Unit

1649

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/7/07.
2. ☒ The allowed claim(s) is/are 30,33-34,49-50,58,60, renumbered as 1-7, respectively.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____

SAME
PAPER

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1. The original lack of unity requirement filed 7/5/05 has been withdrawn in lieu of this current lack of unity requirement which is identical to the original lack of unity requirement except for two changes. Old Group I, originally claims 30-33, 34 in part, 35, and 49-58 has been split into two Groups. New Group I contains original claims 30-33, 34 in part, 35, 49-55, 58-59, and new claim 60. New Group VI contains original claims 56-57. The second change is that the fourth election of species which pertained to original claims 52-55 and 59 has also been withdrawn. This modified lack of unity requirement was agreed to by D. Benjamin Borson on 7/19/07.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with D.Benjamin Borson on 7/19/07.

An examiner's amendment to the record appears below.

In the claims:

Canceled claims 31-32, 36-48, 52-57, and 59.

Claim 30, line 1, deleted: "protecting or".

Claim 33, line 1, deleted: "32".

Claim 33, line 1, inserted after "claim": --30--.

Claim 33, line 2, deleted: "neuronal insult".

Claim 33, line 2, inserted after "prior": --hypoxia or ischemia--.

Claim 34, line 6, inserted after "(GHRH)": --, prolactin, placental lactogen--.

Claim 60, line 2, inserted after "(ICV)": --,--.

Claim 60, line 2, deleted "intraparenchyma" and inserted after "intraventricular,":
--intraparenchymal,--.

Claim 60, line 2, deleted "routes" and inserted after "neural": --route--.

REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance: the method is patentable over the prior art of record due to the central route of administration of growth hormone. The prior art of record taught systemic administration of growth hormone for inducing a neuroprotective effect for hypoxia, ischemia, or stroke. It was not obvious to use centrally administered growth hormone because the prior art of

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record taught that the neuroprotective effect of growth hormone was due to the stimulation by the growth hormone of increased production of insulin-like growth factors (IGFs), which are produced in the periphery in response to growth hormone administration and were previously thought to be the sole mediators of the neuroprotective effects of growth hormone administration, rather than the growth hormone itself directly acting on the central nervous system.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gucker whose telephone number is 571-272-0883. The examiner can normally be reached on Mondays through Fridays from 0930 to 1800.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan, can be reached at 571-272-0841. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

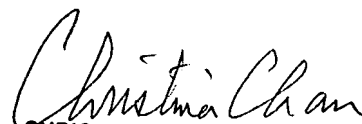
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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Stephen Gucker

August 3, 2007



CHRISTINA CHAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600